

Applicant	:	Dutt
Appl. No.	:	10/599,593
Examiner	:	Jue S Wange
Docket No.	:	703538.4054

REMARKS

Claims Objections

Claim 6 was objected to for failing to further limit the subject matter of previous claim 5. Claim 6 has been amended to depend from claim 3 instead of claim 5. The objection to claim 6 is moot as a result.

Claims Rejection – 35 USC 101

Claims 12-23 were rejected under 35 USC 101 as being directed to "functional descriptive material ... failing to be tangibly embodied or include any recited hardware..." Claim 12 has been amended to include computer readable medium on which the "generic instruction model" is stored. As amended, claims 12-23 meet the requirements for patentability under 35 USC 101.

Claims 24-27 were rejected under 35 USC 101 as being directed to non-statutory subject matter because the limitation of computer readable medium as recited includes transitory embodiments of computer readable medium. Claim 24 has been amended to exclude non-statutory embodiments of computer readable medium.

Accordingly, as amended, claims 24-27 meet the requirements for patentability under 35 USC 101.

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Claims Rejection – 35 USC 102

Claims 1-27 were rejected under 35 USC 102 as anticipated by Reshadi et al., "A Framework for Fast, Flexible and Retargetable Instruction-Set Architecture Simulation" (hereinafter the "Reshadi paper"). As indicated in a Declaration of Nikil Dutt and Mohammad Reshadi filed herewith, Nikil Dutt and Mohammad Reshadi are the only co-inventors of the subject matter described and claimed in the subject application and are co-authors, along with Prabhat Mishra and Nikhil Bansal, of the Reshadi paper. As further indicated in the Dutt and Reshadi Declaration, Prabhat Mishra and Nikhil Bansal are not co-inventors of the subject matter described and claimed in the subject application, but were listed as co-authors on the face of the Reshadi paper because they assisted with, among other things, evaluating the techniques, running experiments, and collecting data.

As indicated in a Declaration of Mohammad Reshadi filed herewith, the Reshadi paper, which is attached as Exhibit 1 to the Reshadi Declaration, was not published and thus does not qualify as prior art since such paper has not been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the art exercising reasonable diligence could locate it.

However, a final version of the Reshadi paper entitled "ReXsim: A Retargetable Framework for Instruction-Set Architecture Simulation" (hereinafter the "ReXsim paper"), which is attached to the Reshadi Declaration as Exhibit 2, was published after June 5, 2003, which is less than one year prior to the effective filing date of the subject

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application. The subject application claims priority to U.S. Provisional Application No. 60/576,643, which was filed on June 1, 2004.

In view of the foregoing, the Reshadi paper and its published equivalent, the ReXsim paper, are not prior art to the subject application. Accordingly, claims 1-27 meet the requirements for patentability under 35 USC 102.

CONCLUSION

In view of the foregoing, Applicants submit that claims 1—27 are in condition for allowance. Should minor matters remain, the examiner is invited to contact the undersigned at (949) 567-6700.

Respectfully submitted,

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